

ESC

GREY AND KOHLWECK  
Attorneys at Law  
1821 Wilshire Boulevard  
Suite 210  
Santa Monica, CA 90403

A -20

(213) 820-4676

FILED: 8/2/82

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, INC., a  
California corporation,

Plaintiff,

v.

GERALD ARMSTRONG, and  
DOES 1 through 10,  
inclusive,

Defendants.

No.  
APPLICATION FOR AN  
ORDER TO SHOW CAUSE  
RE PRELIMINARY INJUNCTION  
AND TEMPORARY RESTRAINING  
ORDER; ATTACHED DECLAR-  
ATIONS AND EXHIBITS

COMES NOW THE PLAINTIFF, CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, who, through its undersigned counsel of record,  
respectfully requests this honorable Court to issue an Order To  
Show Cause Re: Preliminary Injunction and for a Temporary  
Restraining Order.

Said request is based upon the pleadings currently on  
file, the attached declarations of Carl E. Kohlweck and Ann  
Lenarcic, and argument to be made at time of hearing.

///

///

Dated: August 3, 1982

A -21

Respectfully Submitted,

GREY AND KOHLWECK  
Attorneys At Law

By: Carl E. Kohlweck  
CARL E. KOHLWECK

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Dated: August 3, 1982

A -21

Respectfully Submitted,

GREY AND KOHLWECK  
Attorneys At Law

By: Carl E. Kohlweck  
CARL E. KOHLWECK

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DECLARATION OF CARL E. KOHLWECK

1, CARL E. KOHLWECK, declare:

1. I am an attorney at law duly licensed to practice before this honorable Court and before all courts of the State of California. I am one of the attorneys of record in the within action.

2. This declaration is offered in support of plaintiff's application for a temporary restraining order and for an order to show cause re: issuance of a preliminary injunction. I am competent to testify to the facts set forth herein and would so testify if called as a witness.

3. On or about July 22, 1982, Defendant Gerald David Armstrong executed an affidavit which was subsequently filed in an action entitled LaVenda Van Schaick v. Church of Scientology of California, et al., United States District Court for the District of Massachusetts, Civil Action No. 79-2491-G. A true and correct copy of said affidavit is attached hereto and identified as Exhibit A. In paragraph 3 of said affidavit, Mr. Armstrong describes, in general terms, certain duties that he undertook to perform on behalf of the Church of Scientology of California (hereafter, "CSC"). These duties are referred to in the complaint previously filed herein as "the custodian of the Archives Project." Also contained within said paragraph 3 of Exhibit A is certain language that Mr. Armstrong proffers as a verbatim quote of L. Ron Hubbard, the founder of the religion of Scientology.

4. The quotation referred to in paragraph 3, above, purports to be a letter written by Mr. Hubbard in early 1953.

CSC staff has been unable to locate a copy of such a communication in the Archives Project. While it is possible that the original of this letter is misplaced within the files of the Archives Project, the verbatim quotation of the material demonstrates that Mr. Armstrong has, at least, removed and copied materials from the Archives Project.

5. Exhibit A speaks for itself as far as the type of dissemination of information being made by Mr. Armstrong. The invective directed towards Mr. Hubbard demonstrates the reason that problems have developed in the writing and publishing of the authorized biography of Mr. Hubbard, as alleged in the complaint on file herein. Exhibit A also demonstrates the necessity for injunctive relief. Mr. Armstrong's affidavit states a series of credentials which impress the uninformed with the apparent authenticity of his conclusions. It is these sorts of statements and disclosures that make injunctive relief uniquely necessary in this action; monetary damages cannot fully compensate the harm that will be done.

6. On June 25, 1982, Mr. Armstrong executed another affidavit. Said affidavit was subsequently filed in an action styled Tonja Burden v. Church of Scientology of California, United States District Court, Middle District of Florida, Tampa Division, Case No. 80-501-Civ-T-K (hereafter referred to as Exhibit B). Like Exhibit A, Exhibit B sets forth Mr. Armstrong's personal animosity for L. Ron Hubbard and CSC. At paragraph 8 he states his responsibilities as the custodian of the Archives Project and delineates the various types of documents and materials to which he had access. The amount of

detail contained in this paragraph illustrates that he was not working from memory at the time that he wrote Exhibit B, but was rather working from either source documents, copies of source documents, or altered documents.

7. Until very recently, the same attorney was responsible for prosecuting each of the two actions in which Armstrong affidavits have been filed, Michael J. Flynn of Boston, Massachusetts. During May, 1982, Mr. Flynn conducted public hearings on behalf of the City Commission in Clearwater, Florida. Those hearings are a matter of continuing controversy in that Mr. Flynn personally selected each person who testified and CSC, through its attorneys, was not allowed the opportunity to cross-examine any of those testifying.

8. On Friday, July 30, 1982, the deposition of Kevin Flynn, the brother of Michael Flynn was taken in Los Angeles. During his deposition, Mr. Flynn stated that although he had not met personally with Mr. Armstrong, Mr. Armstrong has been physically present in the Flynn law offices in Boston to assist the attorneys in that office.

9. On April 15, 1982, CSC filed a counterclaim in United States District Court, Central District of California, against Michael J. Flynn and certain members of his staff. A true and correct copy of said counterclaim is attached hereto and identified as Exhibit C. Said counterclaim seeks injunctive relief and the gravamen of the complaint is abuse of process because of the solicitation and distribution of "turn-key" litigation.

10. On April 2, 1980, the Superior Court of Suffolk

County, Massachusetts, granted CSC injunctive relief, commanding Michael J. Flynn and his clients to return certain materials, publications and documents that had been stolen from the Church of Scientology and further prohibiting them from making copies, disseminating information contained therein or destroying any of said materials. A true and correct copy of said order is attached hereto and identified as Exhibit D.

11. On May 18 through May 20, 1982, this declarant took the deposition of Larry Dominic Wollersheim in his pending action against CSC. During his deposition, Mr. Wollersheim stated that any information that is gained by any litigant against CSC or anyone disaffected from Scientology is collected, correlated and catalogued in Las Vegas, Nevada and kept in the custody and control of one Edward Walters, a/k/a Eddie Walters. The purpose of this information collection is so that it may be readily available for anyone who wishes to attack Scientology.

12. On June 3, 1982, this declarant took the deposition of Eddie Walters. During his deposition he expressed his pleasure in the Clearwater hearings, referenced above at paragraph 7. Mr. Walters was the first person to testify at the hearing and his testimony lasted approximately one and one half days. He felt that the media attention was particularly helpful to those attacking Scientology. During his deposition Mr. Walters stated that he believed that it would be a good idea if the City of Las Vegas were to stage a public inquiry similar to the one that took place in Clearwater, Florida.

13. It is the fear of Plaintiff CSC that the information in Mr. Armstrong's possession will be forwarded to the above-

1 described persons and will thereafter be systematically dis-  
2 seminated in a fragmented, piecemeal fashion in order to cause  
3 the greatest damage to CSC, its membership and to the reputation  
4 of its founder.

5 I certify that attached Exhibit E is a true and correct  
6 copy of a letter that I caused to be personally served upon  
7 Gerald Armstrong at 8:30 am o'clock, August 3, 1982,  
8 notifying him that Plaintiff CSC would bring before this  
9 honorable Court its application for a temporary restraining  
10 order and order to show cause re: preliminary injunction at 1:30  
11 pm, August 3, 1982, or as soon thereafter as counsel might be  
12 heard.

13 I have personal knowledge of the facts set forth above,  
14 except as to those facts stated on information and belief, and  
15 as to those I believe them to be true.

16 Executed this 3rd day of August, 1982 at Santa Monica,  
17 California.

18 I declare under penalty of perjury that the forgoing is  
19 true and correct.

20 Carl E. Kohlweck  
21 CARL E. KOHLWECK  
22  
23  
24  
25  
26  
27  
28



UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK, )

Plaintiff )

vs. )

CIVIL ACTION

NO. 79-2491-G

CHURCH OF SCIENTOLOGY OF )  
CALIFORNIA, et al, )

Defendants )

AFFIDAVIT OF GERRY ARMSTONG

I, Gerry Armstrong, hereby swear under the pains and penalties of perjury as follows:

1) I have personal knowledge of the following facts:

2) I was a member of the Sea Organization of Scientology from February 1971 to December 1981, during which time I held many positions and was in many locations where I directly observed L. Ron Hubbard and other Scientology executives. At no time did I ever get the impression that Mr. Hubbard or any other senior executive considered that Scientology is a religion. My own understanding, held throughout all the time I spent in Scientology, and the policy expressed

...me by other Sea Org members was that Scientology operated totally as a business, and its efforts to be recognized as a "religion" were only to evade taxation and government regulations.

3) In January 1980, I was assigned to a project to collect materials about L. Ron Hubbard for the purpose of providing documentation for a biography to be written by Omar V. Garrison. During the following two years I read several thousand pages of documentation, much of it written by Mr. Hubbard himself. Never before had anyone within Scientology ever had all this information assembled in one place or had the opportunity to view and assimilate the whole truth about L. Ron Hubbard. From these documents and other sources I learned that Mr. Hubbard had continually misrepresented himself and had lied about his past, his accomplishments and credentials. I learned also from the documents I collected that Mr. Hubbard had lied about how and why Scientology had been established as a "religion". In a despatch he wrote in early 1980 to the people in charge of the projects he had ordered to remedy his legal problems with the IRS and various damage claim cases, he stated that the creation of Scientology as a "religion" was not his idea but had come about when the membership of Scientology in the early 1950's, unbeknownst to him, had voted to form a "church". I personally saw and read that despatch. Mr. Hubbard's

statement is a lie. In a letter to the head of Scientology in the US in early 1953, Mr. Hubbard stated:

"We don't want a clinic. We want one in operation but not in name. Perhaps we could call it a Spiritual Guidance Center. Think up its name, will you. And we could put in nice desks and our boys in neat blue with diplomas on the walls and 1. knock psychotherapy into history and 2. make enough money to shine up my operating scope and 3. keep the HAS solvent. It is a problem in practical business.

"I await your reaction on the religion angle. In my opinion, we couldn't get worse public opinion than we have had or have less customers with what we've got to sell. A religious charter would be necessary in Pennsylvania or NJ to make it stick. But I sure could make it stick. We're treating the present time beingness, psychotherapy treats the past and the brain. And brother, that's religion, not mental science."

I found a great deal of similar evidence in the materials I assembled before I left Scientology. Mr. Hubbard's life has been a continuing pattern, since the early 1940's, of fraudulent business practices, tax evasion, flight from creditors and those seeking recompense, and then going into

hiding, outside the reach of wronged individuals and legal jurisdictions. In short, it is the life of a con man.

4) In early 1980 I was also assigned to a mission, the purpose of which was to work out legal strategies, and get them implemented, which would allow Mr. Hubbard to still control all of Scientology via his Commodore's Messenger Organization while being shielded from any lawsuits or legal involvements and responsibilities. One of the main problems which had to be resolved by this mission, and one of the arguments used in various court cases as proof that Scientology was not a religion, was the fact that Scientology was set up so that funds inured to the benefit of L. Ron Hubbard. For years Mr. Hubbard had had his legal representatives claim that he was not paid by Scientology, other than a \$35,000.00 annual consultant's fee, and royalties from sales of his books. Another claim was that he did not control Scientology monies. The fact is he had absolute control of all Scientology accounts. As late as 1980 I saw a despatch from him in which he ordered that unlimited Scientology funds were approved for a project to get him a Nobel Prize. Another fact is tht he received millions of Scientology dollars directly from a foreign corporation called Religious Research Foundation. Payments for auditing or courses at Flag by non-US Scientologists went into RRF accounts which Mr. Hubbard controlled absolutely and used

ally for his own purposes.

A 31

5) I learned through my study of the documentation I assembled, and from more than ten years of observation of Mr. Hubbard and the Scientology movement, that Mr. Hubbard has cruelly deceived his followers to the point where they will themselves lie and attempt to deceive others about the truth concerning him and Scientology. Scientology spokesmen and witnesses have stated that Mr. Hubbard doesn't control the organizations. The fact is he has absolute control, including financial control, and Scientologists know it. Between 1978 and 1980 I participated, along with at least 250 other Scientologists, in several massive operations to destroy or hide the evidences of Mr. Hubbard's control. Scientology spokesmen and witnesses have claimed that throughout 1980 and 1981 Mr. Hubbard could not be reached through the organization, or that organization executives did not know where he was. The fact is, the most senior executives were in continual communication with him throughout this period. Scientology spokesmen and witnesses have gone to great lengths to "prove" that Scientology is a valid religion, while knowing that it was simply a behavior therapy masquerading as a "church", and making a mockery of actual honest religious practices. In 1980, Watchdog Committee, the senior CMO body, responsible only to Mr. Hubbard and senior to every Scientology organization, ordered that every Sea Org member

had to complete the Minister's Course in two weeks or they would be assigned to the RPF. The reason given was to make every Sea Org member a "minister of the church of Scientology" and so avoid the US Selective Service draft then pending. What most Scientologists, and especially Sea Org members, don't know is that Mr. Hubbard had duped them. My knowledge based on documentation and observation, is that the major reason for Mr. Hubbard's calling Scientology a "religion", in addition to tax evasion, is to hide behind Constitutional guarantees for religions and so carry out his scheme of mind control to keep his followers duped. He has systematically and knowingly lied to and defrauded his followers, kept them from finding out the truth or becoming free with cruel and bizarre treatment, as for example with the RPF, and kept them economically and mentally suppressed, while he made millions of dollars from their labor.

6) I am personally aware that Mr. Hubbard's policy of Fair Game is still a practice of Scientology. Since I left the organization with my wife in December 1981, I have been declared an enemy, and I believe my life and my wife's life, are in danger.

Signed under the pains and penalties of perjury this  
22nd day of July, 1982.

  
GERRY ARMSTRONG

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

A 33

TONJA BURDEN,

Plaintiff

CHURCH OF SCIENTOLOGY  
OF CALIFORNIA,

Defendants

CASE NO. 80-501-Civ-T-X

AFFIDAVIT OF GERRY ARMSTRONG

I, Gerry Armstrong, hereby swear under the pains and penalties of perjury as follows:

facts: 1) I have personal knowledge of the following

2) Tonja Burden served as a messenger for L. Ron Hubbard on board the Apollo, and later in Dunedin, Florida. While on the Apollo and in Dunedin Ms. Burden was not provided with any education similar to a high school curriculum. She was required to work long hours every day of the week with one day off scheduled, but not necessarily allowed, every two weeks. Ms. Burden's work was mostly directly for L. Ron Hubbard, and his organization

the Church of Scientology, which I personally observed him totally dominate and control, both on the Apollo and up to the time he left Hemet, California in February or March of 1980.

3) After Mr. Hubbard left Dunedin, Florida in March 1976 Tonja Burden was my junior in the LRH External Communications office in Dunedin. I personally observed Ms. Burden working long hours daily in the LEC office, much of which work consisted of coding and decoding telexes for the Guardian's Office, L. Ron Hubbard and the C.M.O. I observed that Ms. Burden was under considerable pressure and was emotionally upset a great deal of the time.

4) I personally observed Tonja Burden being placed in the Rehabilitation Project Force in Clearwater, Florida in 1977, as I was the senior in charge of the RPF during that time. While in Florida, I am personally aware that Ms. Burden was not provided any high school educational opportunities, and in fact I am aware that other minors in Clearwater between November 1975 and December 1977, when Ms. Burden left, did not receive normal educational opportunities, lived for the most



part in grossly overcrowded, and therefore illegal, living conditions, and that many steps and measures were taken to conceal from City authorities the fact that minimal living standards were not being met by the Church of Scientology. I personally observed people in the RPF sleeping on floors, in storage rooms, in the boiler room, and in other sub-human conditions, including Tonja Burden. I personally participated in several actions to cover up the fact that many RPF members were sleeping in the garage of the Fort Harrison Hotel, and that upwards of fifty RPF members were sleeping in an unventilated storage room. The RPF was created by Mr. Hubbard in 1974 on the Apollo, and I became personally convinced from years of close observation of the RPF that it was used by Mr. Hubbard and others to degrade people and break their spirit.

5) When Tonja Burden attempted to leave the organization in November - December 1977, I was sent together with my wife at the time, Terri Armstrong, now Terri Gamboa, to pick up Ms. Burden in Las Vegas, Nevada, and take her to Los Angeles, California to be security checked on a meter and to obtain her signature on various documents, including releases and waivers which Mr. Hubbard and the organization required.

6) In Scientology, formal education is constantly discouraged. From Hubbard down, on all levels of command, minors and others both on the ship and in Florida were continually discouraged from pursuing normal educational channels, and educational opportunities were specifically not made available. The averments of my former wife, Terri Armstrong Gamboa, on this claim that educational opportunities were available and encouraged by the seniors in the CMO are absolute fabrications. Everyone in Scientology knows that traditional educational requirements are abhorred by Mr. Hubbard and the organization and not made available. Also traditional forms of medical and dental care were discouraged and made difficult to obtain.

7) Between February 1971 and September 1975; between December 1975 and June 1976, between January 1978 and September 1978, and between April 1979 and March 1980 I held positions in Scientology where I was often in personal contact with L. Ron Hubbard and where I could personally observe him direct and control Scientology throughout the world. From January 1978 to February 1980 at Mr. Hubbard's and the CMO's headquarters in La Quinta, California and Gilman Hot Springs, California, I several times observed and participated in massive operations

involving hundreds of people where all papers at these locations were gone through and any which showed Mr. Hubbard's direct control of Scientology or financial control of Scientology monies or accounts were shredded, hidden off the properties, or buried. Statements by Scientology officers, Guardian's-Office personnel or CMO members that Mr. Hubbard did not control absolutely every Scientology organization internationally are false.

8) In January 1980 I was assigned a special project to collect information about L. Ron Hubbard for the purpose of a biography which Omar V. Garrison was later-hired to write. During 1980 and 1981 I acquired considerable information about the background of Mr. Hubbard. I saw thousands of documents, many in Mr. Hubbard's handwriting, concerning his medical history, his military history, his academic background, and relating to other areas of his life. From these documents and from various other sources of information, I learned that Mr. Hubbard's academic background, military background, professional background, and several other areas of his personal history, have been uniformly misrepresented by both him and the Church of Scientology. Mr. Hubbard has claimed to have a degree in Engineering; in fact he flunked out of his second year of Engineering school and never graduated.

Mr. Hubbard claimed to be an Atomic Physicist; in fact he took one semester in Molecular Phenomena in his second year at university and received a mark of "F".

Mr. Hubbard claimed to have a Doctor of Philosophy degree; in fact he had someone arrange the "degree" for him from a diploma mill. Mr. Hubbard claimed to have been awarded twenty-one medals and palms in the Second World War including the Purple Heart; in fact he was awarded five medals and no Purple Heart. Mr. Hubbard claimed to have been crippled and blinded in the war; in fact he was never crippled, nor blinded. Mr. Hubbard claimed to have commanded a squadron of corvettes during the Second World War; in fact he was removed and demoted from the two vessels he did command during the war. He has claimed to have done the first mineralogical survey of Puerto Rico; in fact he never did such a survey. He claimed to have written the screen play for several Hollywood major films including "The Plainsman" and "Dive Bomber"; in fact he worked on one serial, and neither of these mentioned films. Mr. Hubbard claimed that he did extensive scientific research involving hundreds of cases in his development of Dianetics between 1946 and 1950 when he published "Dianetics the Modern Science of Mental Health"; in fact he did very little, if any, research, was at the time married bigamously, was seriously mentally and emotionally disturbed, and was involved in occult organizations and operations.

Throughout the late '40's and early '50's Mr. Hubbard was generally chased by creditors, the A.M.A., law enforcement officials and others as a result of defrauding people and as a result of his involvement in various illicit activities. Mr. Hubbard has continued his dishonest, unethical activities, and has used his organization to cover up such activities right up to present time. Organization officers have claimed that they do not know where Mr. Hubbard is; the fact is the very top Church of Scientology officials have been in regular contact with Mr. Hubbard, and his whereabouts has been deliberately hidden by the organization. Organization officers have claimed that Mr. Hubbard is not paid by the Church of Scientology, other than money he receives as

---

royalties on the sale of his books. The fact is that he had absolute control of all Scientology reserves. Also, he was paid millions of dollars directly from a foreign corporation called Religious Research Foundation. Payments from non-U.S. Scientologists who took Flag services were channelled to RRF. Hubbard had total control of RRF monies and received several million dollars directly from this corporation, which is made up of Scientology funds. I am personally aware of this because I was on a legal mission in 1980, one of the actions of which was to make "legal" a 2.1 million dollar payment for film scripts

Mr. Hubbard had written, which Mr. Hubbard's personal accounts officer transferred from RRF to Mr. Hubbard's personal account without the knowledge or approval of Scientology officers. In sum, I learned that Mr. Hubbard is a fraud, that he had deceived me and many others, and for this reason I left the Church of Scientology in December 1981.

2) I have since been declared an enemy of the Church of Scientology and am fearful that my life is in danger.

Signed under the pains and penalties of perjury  
this 25<sup>th</sup> day of JUNE, 1982.

*Gerry Armstrong*  
Gerry Armstrong

STATE OF CALIFORNIA

COUNTY OF ORANGE

ON 6-25-1982  
before me, the undersigned, a Notary Public in and for said State, personally appeared  
GERRY ARMSTRONG  
\_\_\_\_\_ knows to me,  
to be the person whose name is subscribed to the within instrument,  
and acknowledged to me that he executed the same.

WITNESS my hand and official seal.



*Leonard Feldsott*  
Notary Public in and for said State

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Church of Scientology of California

Counterclaimant PLAINTIFF(S)

vs.

Michael Flynn, Thomas Hoffman &  
Thomas Greene, *Jane Lee Anderson, Richard J. Anderson, Carol A. Hunt, Paul Hunt, Thomas Jefferson, Tom Island*  
Counterclaimant DEFENDANT(S)

CASE NUMBER

81-3259-CBM  
CV- 81-3260-CBM  
81-3621-CBM  
81-4109-CBM

SUMMONS on  
Counterclaim

Counterclaimant

TO THE ABOVE-NAMED DEFENDANT(S), You are hereby summoned and required to serve upon

A. Thomas Hunt  
Taylor, Roth & Hunt

Counterclaimant

plaintiff's attorney, whose address is:

Suite 510  
617 South Olive  
Los Angeles, California

Counterclaim

an answer to the/complaint which is herewith served upon you within 20 days  
after service of this summons upon you, exclusive of the day of service. If you  
fail to do so, judgment by default will be taken against you for the relief de-  
counterclaim  
manded in the/complaint.

DATE: April 15, 1982

EDWARD M. KRITZMAN, CLERK

By NANCY J. MILLER  
Clerk

(SEAL OF THE COURT)

THOMAS HUNT  
WALTER COCHRAN-BOND  
TAYLOR, ROTH & HUNT  
A Law Corporation  
617 South Olive Street  
Suite 510  
Los Angeles, California 90014  
(213) 623-8000

A 42

Attorneys for Defendant Church  
of Scientology of California

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JANE LEE PETERSON and  
RICHARD J. PETERSON,  
Plaintiffs,

Civil No. 81-3259-CBM

v.

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, et al.,  
Defendants.

CAROL A. GARRITY AND PAUL  
GARRITY,  
Plaintiffs,

Civil No. 81-3260-CBM

v.

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, et al.,  
Defendants.



THOMAS JEFFERSON,  
Plaintiff,

Civil No. 81-3621-CBM

v.

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, et al.,  
Defendants.

DANA LOCKWOOD,  
Plaintiff,

Civil No. 81-4109-CBM

v.

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, et al.,  
Defendants.

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, et al.,  
Counterclaimant  
Plaintiff,

v.

MICHAEL FLYNN, THOMAS HOFFMAN,  
THOMAS GREENE, JANE LEE PETERSON,  
RICHARD J. PETERSON, CAROL A.  
GARRITY, PAUL GARRITY, THOMAS  
JEFFERSON, and DANA LOCKWOOD,  
Counterclaimant  
Defendants.

DEFENDANT'S COUNTERCLAIM FOR INJUNCTIVE  
RELIEF AND DAMAGES  
(ABUSE OF PROCESS)

The defendant, for its counterclaim against the plaintiffs, and the counterclaimant defendants, alleges and says:

I. COUNTERCLAIM

1. This is a permissive counterclaim for damages for the tort of Abuse of Process pursuant to Rule 13(b) of Fed.R.Civ.P.

II. JURISDICTION

2. Jurisdiction of this counterclaim is predicated on 28 U.S.C. §1332. The matter in controversy exceeds the sum of \$10,000 or more.

III. ALLEGATIONS

3. On or about December 13, 1979, Michael J. Flynn, Thomas Hoffman, and Thomas Greene, attorneys in Boston, Massachusetts, and counterclaimant defendants in this counterclaim, filed a class action complaint against the Church of Scientology of California, and various other affiliate Churches, for claims involving breach of contract, fraud, and intentional infliction of emotional distress. This action was brought in the United States District Court in Boston, Massachusetts, Civil Action No. 79-2491-G. The complaint in the Van Schaick case ultimately was amended to limit the class action

claims to violations of the Racketeer Influenced and Corrupt Organizations Act, ("RICO") but incorporated in the RICO claims were allegations of fraud, misrepresentation, breach of contract and intentional infliction of emotional distress.

4. During the years 1980 and 1981 Defendants Michael Flynn, Thomas Hoffman and Thomas Greene, solicited "associate" attorneys, and caused no less than 18 individual lawsuits to be filed against the Church of Scientology of California, defendant and plaintiff counterclaimant herein. These lawsuits are as follows:

1. Jose Baptista vs. Church of Scientology, et al.
2. Mark D. Barron vs. Church of Scientology, et al.
3. Peggy Bear vs. Church of Scientology, etc., et al.
4. Eileen Brown, etc. vs. The Delphian Foundation, et al.
5. Tonja C. Burden vs. Church of Scientology, et al.
6. Carol A. Garrity, et al. vs. Church of Scientology, et al.
7. Marjorie J. Hansen vs. Church of Scientology, et al.
8. Thomas Jefferson vs. Church of Scientology, et al.
9. Deborah Ann Keck vs. The Church of Scientology, et al.
10. Dana Lockwood vs. Church of Scientology, et al.
11. Stephen R. Pacca vs. The Founding Church of Scientology, et al.
12. Jane Lee Peterson, et al. vs. Church of Scientology, et al.
13. Patrick R. Rosenkjar vs. Church of Scientology, et al.
14. Michael W. Smith vs. Church of Scientology, et al.

15. Steven Garritano, vs. Church of Scientology, etc., et al.
16. Janet Troy vs. Church of Scientology, et al.
17. Donald Bear v. Church of Scientology of California, et al.
18. Kim L. Vashel vs. Church of Scientology, et al.

As a general matter the claims in these cases listed immediately above are virtually identical to each other and to the claims in the Van Schaick class action, namely claims for fraud, breach of contract, misrepresentation, violations of RICO, and intentional infliction of emotional distress. None of these cases were filed as class actions.

5. Included in the cases listed immediately above, are the instant four cases, also involving claims similar to those in the class action.

6. Defendants Michael Flynn, Thomas Hoffman and Thomas Greene are either formal attorneys of record in all of the cases listed above or are informally assisting their "associated" attorneys of record, including the attorneys of record in the four instant cases, namely the law firm of Contos & Bunch. All of the "associated" attorneys of record were recruited and solicited by the Defendants Michael Flynn, Thomas Hoffman, Thomas Greene, or by non-lawyers working under their supervision. These counterclaimant defendants have furnished the "associated" attorneys with prototype pleadings.

7. The commencement and prosecution of the myriad individual cases was done by counterclaimant defendants, including the counterclaimant defendants who also are plaintiffs

1 in the instant four cases, with malice and for the purpose of  
2 obtaining a collateral advantage and to accomplish an end other  
3 than that which the litigation process was designed to  
4 accomplish. The improper collateral advantage sought was to use  
5 the commencement and prosecution of the numerous lawsuits as a  
6 threat or a club, in the form of extortion, to force the  
7 Defendant Church of Scientology of California to settle the  
8 numerous lawsuits in order to avoid the extreme expense of  
9 defending the numerous lawsuits in numerous inconvenient  
10 jurisdictions.

11 8. The improper ulterior motive and collateral  
12 advantage sought by the counterclaimant defendants was expressed  
13 in a series of settlement letters sent by counterclaimant  
14 defendant Michael Flynn to an attorney for Defendant Church of  
15 Scientology of California in June, 1981. These letters expressly  
16 make the threat that unless the Defendant Church settles all  
17 "existing" cases for 1.6 million dollars, the counterclaimant  
18 defendants will "increase the litigation", but that if the  
19 proposed settlement is effectuated the counterclaimant defendants  
20 will commence no additional cases and will not assist the  
21 "associated" attorneys in their cases.

22 9. This pattern of conduct continues to the present  
23 time. Counterclaimant Defendant Michael Flynn recently has  
24 publicly threatened to bring additional lawsuits against the  
25 defendant Church.

26 10. This pattern of conduct by the counterclaimant  
27 defendants constitutes the tort of abuse of process, which has  
28

been defined both by Professor Prosser and by the California Courts, including the California Supreme Court in Spellens v. Spellens, 49 Cal.2d. 210 (1957).

11. Unless preliminarily and permanently enjoined by this Court, the counterclaimant defendants will continue their pattern of abuse of process.

#### IV. RELIEF

WHEREFORE, Defendant/Plaintiff Counterclaimant Church of Scientology prays for the following relief:

1. A temporary restraining order and A preliminary and permanent injunction prohibiting Counterclaimant Defendants Flynn, Hoffman and Greene from continuing to commit an abuse of process and in particular from:

- (a) continuing to participate in any way in the instant litigation, by assisting the plaintiffs or their attorneys or otherwise.
- (b) soliciting any new plaintiffs for the purpose of commencing new lawsuits against Defendant Church.
- (c) soliciting any additional "associated" attorneys for any additional cases to be brought against the Defendant Church.
- (d) participating in any way in the commencement of any additional lawsuits against Defendant Church.

And

- (e) receiving any benefits in attorneys fees or

1  
2 otherwise from the <sup>A 49</sup> existing lawsuits listed above in  
3 paragraph four of this Counterclaim.

4 2. Compensatory damages for the costs of defending  
5 the lawsuits resulting from the abuse of process.

6 3. Punitive damages, due to the fact the Plaintiffs  
7 and Counterclaimant Defendants acted with malice and with a  
8 wilfull intent to injure Defendant Church.

9 Defendant Church of Scientology further prays  
10 for such other relief as the Court may deem appropriate and the  
11 interests of justice may require, including costs and reasonable  
12 attorneys' fees.

13  
14 DATED: April 15, 1982

15  
16 A. THOMAS HUNT  
17 WALTER COCHRAN-BOND  
18 TAYLOR, ROTH & HUNT  
19 A Law Corporation

20 By \_\_\_\_\_  
21 A. THOMAS HUNT

22 Attorneys for Defendant Church  
23 of Scientology of California  
24  
25  
26  
27  
28

A 50

EXHIBIT "D"



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

CIVIL NO. 40906

CHURCH OF SCIENTOLOGY, et al.,

Plaintiffs,

v.

MICHAEL J. FLYNN, et al.,

Defendants.

PRELIMINARY INJUNCTION

This matter having come on for hearing, and after due consideration of the pleadings and the arguments of the parties, it is hereby ORDERED: *and adjudged upon payment to the clerk of the sum of \$5,000*

1. That the defendants, Michael J. Flynn, Lucy Garritano, Steven Garritano, James Gervais, Peter Graves, their agents, or persons acting on their behalf or in concert with them, surrender to the possession of the Church of Scientology of Boston, Inc., or to the attorneys for the plaintiff, *bring to Court on April 10, 1980* within *at 2:30 p.m.* three days of the date of this order, the following property:

- a. A cardfile containing the names of Church members;
- b. Several graphs containing financial data about the Church of Scientology;
- c. Several administrative bulletins, to wit Flag Orders 3434-25, 3434-27, 3434-28, 3434-26, 3434-29; 3434-11RA, 3434-22, and 3434-15R, the distribution of which is limited to certain specific Scientology personnel;

*ONE D*

d. Various personnel files containing information about Church of Scientology members or former members;

e. Three Hubbard "E-Meters," confessional aids which are utilized by the ministry of the Church for religious purposes.

*by specific execut. affidavits concerning*

2. That the aforementioned defendants furnish to the Court and *whether* to counsel for the plaintiffs, within three days of the date *or not* of this order, a list of the names and addresses of each person *they have* to whom said defendants, or any of them, delivered or caused *them* to be delivered any of the following property or the contents *specified* thereof: *and:*

- a. A cardfile containing the names of Church members;
- b. Several graphs containing financial data about the Church of Scientology;
- c. Several administrative bulletins, to wit, Flag Orders 3434-25, 3434-27, 3434-28, 3434-26, 3434-29, 3434-11RA, 3434-22, and 3434-15R, the distribution of which is limited to certain specific Scientology personnel;
- d. Various files containing information about Church of Scientology members or former members;
- e. Three Hubbard "E-Meters" confessional aids which are utilized by the ministry of the Church for religious purposes.

*they have specified and: they have not specified which city were delivered in*

3. That the aforementioned defendants, their agents, persons acting in concert with them, or on their behalf, or anyone else in actual or constructive notice of this order, are hereby

enjoined, until further order of this Court, from copying, publishing, transferring, distributing, altering, destroying or in any way disclosing the contents of the following documents:

- a. A cardfile containing the names of Church members;
- b. Several graphs containing financial data about the Church of Scientology;
- c. Several administrative bulleins, to wit Flag Orders 3434-25, 3434-27, 3434-28, 3434-29, 3434-11RA, 3434-22 and 3434-15R, the distribution of which is limited to certain specific Scientology personnel;
- d. Various files containing information about Church of Scientology members or former members;
- e. Three Hubbard "E-Meters", confessional aids which are utilized by the ministry of the Church for religious purposes.

*By the Court*  
*William*  
 \_\_\_\_\_  
 Judge

Date: *April 2 - 1950*  
*1950*

*James C. Quinn*  
*Noted.*

FILED  
 BY J.C.  
 1950

GREY AND KOHLWECK

Attorneys at Law

1821 Wilshire Blvd., Suite 210  
Santa Monica, California 90403

A 54

Area Code 213  
Telephone 820-4676

August 2, 1982

Mr. Gerald Armstrong  
1617 West Cliff Drive  
Newport Beach, California

Re: Temporary Restraining Order

Dear Mr. Armstrong:

The purpose of this letter is to advise you of the fact that on behalf of my client, the Church of Scientology of California, Inc., I intend to seek a temporary restraining order to prohibit any further dissemination of information by yourself or through others acting in concert with you of information that you obtained while working on the Archives Project. In general, the complaint served upon you explains the nature of the action commenced, and the types of disclosures which we will seek to restrain.

Should you wish to appear to oppose the application for a temporary restraining order, it will be filed and heard in Department 85 of the Los Angeles Superior Court, 111 N. Hill St., Los Angeles, California 90012. This matter will be brought to the Court's attention at 1:30 pm on August 3, 1982.

Sincerely,

GREY AND KOHLWECK  
Attorneys At Law

By: Carl E. Kohlweck  
CARL E. KOHLWECK

DECLARATION OF ANN LENARCIC

1 I, ANN LENARCIC, declare as follows:

2  
3 1. I am a staff member of the Church of Scientology of  
4 California and am currently the Public Relations Archivist  
5 Assistant. I am the assistant to my husband, Andy Lenarcic, who  
6 is the successor to the position previously held by Gerald  
7 Armstrong, defendant herein.

8 2. I offer this declaration in support of the application  
9 of the Church of Scientology of California for a temporary  
10 restraining order and order to show cause re: preliminary in-  
11 junction. I am competent to testify to the facts set forth  
12 herein and would so testify if called as a witness.

13 3. During November, 1981, I was working on a project  
14 which caused me to be in contact with Gerald Armstrong. During  
15 this time period, to the best of my recollection towards the  
16 middle of the month, Mr. Armstrong stated to me that he had made  
17 copies of every one of the "orders of the day" of the ship  
18 Apollo and retained said copies for his own use.

19 4. The ship Apollo sailed the Mediterranean, the West  
20 Coast of Africa, the Atlantic, and the Caribbean between the  
21 years 1966 and 1975. It functioned as the ministerial, research  
22 and training center of Scientology during that period. The  
23 orders of the day are an extremely valuable portion of the  
24 official ship's records. They contain a history of its entire  
25 voyage and almost all of the more substantial events that oc-  
26 curred during the voyages of the Apollo. In any biography of Mr.  
27 Hubbard or history of Dianetics and Scientology during this time  
28 period, the orders of the day would be an integral part. They

often contained amusing anecdotes, the schedule for the day, news and notices, as well as orders necessary to administer the ship's business.

I have personal knowledge of the facts set forth above, except as to those facts stated on information and belief, and as to those I believe them to be true.

Executed this 3rd day of August, 1982 at Los Angeles California.

I declare under penalty of perjury that the foregoing is true and correct.

*Ann Lenarcic*  
ANN LENARCIC

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28